88-328

Supreme Court, U.S.
FILED
MAY 10 1988
JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

CHARLES J. RAKOWSKI,
APPELLANT

V.

UNITED STATES OF AMERICA,
APPELLEE.

CLAIM AND DEMAND FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

CHARLES J. RAKOWSKI
REG. NO. 04953-067, UNIT A-2
P.O. BOX 1000, ALLENWOOD FPC
MONTGOMERY, PA 17752
(717) 547-1641

QUESTIONS PRESENTED FOR REVIEW

1. Whether the United States Court of Appeals for the Third Circuit unlawfully upheld the District Court's conviction by ruling on a bogus strawman appeal brief submitted by a public defender appointed to "represent" the appellant against his protests.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED FOR REVIEW. . . .	i
TABLE OF CONTENTS	ii
OPINIONS BELOW.	2
JURISDICTIONS	3
CONSTITUTIONAL PROVISIONS INVOLVED. .	3
STATEMENT OF THE CASE	4
ARGUMENT FOR ISSUING WRIT	6
DISCLAIMER.	10
CERTIFICATE OF SERVICE.	13
APPENDIX (separately, 10 pp, A-1 thru F-2).	14
JUDGMENT ORDER (APPEALS COURT)	A-1
JUDGMENT ORDER (DISTRICT COURT)	B-1
APPELLANT'S STATEMENT OF ISSUES	C-1
FPD GHILARDI'S STTMNT OF ISSUES	D-1
APPELLANT'S LETTER TO FPD GHILARDI ON SEPTEMBER 3, 1987	E-1
APPELLANT'S LETTER TO FPD GHILARDI ON SEPTEMBER 25, 1987	F-1

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

CHARLES J. RAKOWSKI,

APPELLANT,

V.

UNITED STATES OF AMERICA,

APPELLEE.

CLAIM AND DEMAND FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

I, appellant Charles J. Rakowski, hereby claim and demand as a matter of right that a writ of certiorari be issued to review the judgment order of the United States Court of Appeals for the Third Circuit issued March 11, 1988.

OPINION BELOW

On March 11, 1988, the United States Court of Appeals for the Third Circuit (Judges Weis, Greenberg, and Aldisert) issued its judgment order affirming the District Court's conviction of July 17, 1987. This Appeals Court judgment order was based upon an appeal brief submitted by a public defender "forced" by the Appeals Court to "represent" the appellant. A copy of the Appeals Court's judgment order is contained in Appendix A, a copy of the District Court's judgment order is contained in Appendix B. A copy

of the appellant's Statement of Issues is attached as Appendix C, a copy of the public defender's Statement of Issues is attached as Appendix D.

JURISDICTIONS

The jurisdiction of the Supreme Court is invoked under the Constitution of the United States of America, Article III, Section I, and Title 28, United States Code, Section 1254(1).

The jurisdiction of the Appeals Court was invoked under Title 28, United States Code, Section 1291.

The District Court of the Middle District of Pennsylvania never had lawful jurisdiction to try the appellant.

CONSTITUTIONAL PROVISIONS INVOLVED

The provision of the Constitution of of the United States of America involved herewith is Amendment Article V: "...nor shall any person... be deprived of life,

liberty, or property without due process of law; ...". (emphasis added)

STATEMENT OF THE CASE

The appellant was "convicted" in District Court on July 17, 1987. On August 21, 1987, the District Court issued its judgment order and the appellant filed his notice of appeal.

On August 27, 1987, the Third Circuit Court of Appeals issued an (unlawful) order for the Federal Public Defender Organization of the M ddle District of Pennsylvania to "represent" the appellant in this matter.

On September 3, 1987, the appellant wrote Ms. Melinda Ghilardi, FPD, that he did not want her to handle his case, and claimed Mr. Andrew Melechinsky, paralegal of CONSTITUTIONAL REVIVAL, as his choice of assistance of counsel. See Appendix E.

On September 10, 1987, FPD Ghilardi

sent a motion to the Third Circuit Court of appeals to withdraw as counsel.

In an order on September 15, 1987, the Third Circuit Court of Appeals (unlawfully) denied FPD Ghilardi's motion to withdraw, and recognized the appellant's right to submit an appeal brief on his own behalf.

On September 16, 1987, FPD Ghilardi informed the appellant of her intentions of obeying the Appeals Court "order".

On September 17, 1987, FPD Ghilardi, without any knowledge of the appellant's finances and without his permission or knowledge, unlawfully executed a "Disclosure of Corporate Affiliation and Financial Interest" with the Appeals Court to give cover to her "representation", and to which the appellant later objected.

On September 25, 1987, the appellant wrote FPD Ghilardi and again rejected her activities to "represent" him and file a

brief on his behalf. See Appendix F.

On December 16, 1987, FPD Ghilardi filed her appeal brief "for appellant", and on December 17th, the appellant filed his appeal brief (improved version filed on December 24, 1987); appendices were filed separately.

On March 11, 1988, the Appeals Court (Judges Weis, Greenberg, and Aldisert) issued its judgment order afirming the District Court's conviction based upon the two issues presented by FPD Ghilardi in her appeal brief, not the "contentions raised by appellant".

ARGUMENT FOR ISSUING WRIT

During the District Court "trial", neither ?Judge? R.P. Conaboy, prosecutor B. Brandler, nor Internal Revenue Service Agents P. Connally, R. Wren, and J. Dunley would explain or justify any of their accusations, issues of law, or procedures. The District Court never had, nor ever tried

to prove, jurisdiction over the appellant, instead bullying and coercing his presence at the "trial". Neither the Court, prosecutor nor the IRS agents proved in any way that the appellant was a taxpayer liable (as defined), what revenue taxable activities he was supposed to have engaged in, or how he, as a flesh and blood individual earning a peaceful, moral, lawful living without benefit of government granted incorporation, license, privilege or monopoly, became liable for the income tax.

The appellant identified the government's unlawful omissions and deceptions, and refuted them in eight statement-of-issues arguments in his appeal brief. Also in his appeal brief and reply, the appellant charged that the FPD was foisted upon him to help convict him in the District Court "trial" and that the Appeals Court was doing the same thing by ordering her to submit an appeal brief

"on his behalf". As the above identified correspondence shows, the appellant strenuously objected to these false and fraudulant machinations, and did his best to stop it.

The appellant did not realize how accurate his words were to become. The FPD's appeal brief had nothing to say about the appellant's income tax liability status, thus in effect conceding the case to the prosecutor and Court who acted together against the appellant. The FPD's brief instead considered only two issues: denial of assistance of counsel, and denials of claims (not motions) for continuances. As the FPD's brief was laced with numerous (equity) references to various court decisions, the Appeals Court of course had an easy time denying her brief.

But the Appeals Court did not deny the appellant's appeal brief; it never even considered it when it wrote its judg-

ment order, and that was and is an unlawful and flagrant denial of due process. The reason the Appeals Court didn't consider the appellant's appeal brief arguments is because it could not answer them honestly. And to try to gloss over its unlawful actions and give itself a false appearance of legitimacy, it deliberately mis-stated the facts in its judgment order by saying it "[considered] the contentions raised by appellant" when it did no such thing. If the Appeals Court had no intention of considering and answering the appellant's appeal brief, why did it say he could submit one?! Perhaps this appellant's experience is clear evidence, if not proof, of the real purpose of public defenders.

For the reason the appellant has been denied due process of law by simultaneously being denied assistance of counsel of his choice and having had a public defender

forced upon him so that her phony appeal brief could be used as a basis for affirm- the District Court conviction while his appeal brief was totally ignored, he claims and demands that this Court issue a writ of certiorari to review the judgment order of the United States Court of Appeals for the Third Circuit made March 11, 1988.

DISCLAIMER

I, the appellant in this action, do not waive any jurisdiction. In order to obtain justice, I am compelled to continue resisting the unlawful equity procedure initiated against me without my consent by the overpowering force of the appellee. I hereby enter this CLAIM AND DEMAND FOR WRIT OF CERTIORARI for the purpose of having the Supreme Court of the United States of America reverse the wrongs done to me by the District Court of the Middle District of Pennsylvania and the United States

Court of Appeals for the Third Circuit, and to prevent further trespass against my person and rights.

I did not, and do not, want to be in a court of equity. The District Court, by forcing me to "trial", broke the law by violating my rights guaranteed by Amendment Articles IV, V, VI, VIII, IX and X of the Constitution of the United States of America, and made itself a court of equity. The Appeals Court for the Third Circuit has also violated my rights and the law as explained herein above.

I claim and demand that this Supreme Court hear my appeal and redress the wrongs done to me according to Constitutional at-law standards. If this Court is unable or unwilling to do so, it is to send this "case" to a Court that can and will.

I demand all of my rights at all times and waive none of my rights at any time for any cause or reason, such as mistakes

during my "trial" when I was denied assistance of counsel of my choice, and including my right to the monetary value of my life (ie, my time and efforts), guaranteed by the Declaration of Independence and the Constitution of the United States of America and its Bill of Rights.

Completed at Allenwood FPC, Montgomery, PA, on June 2, 1988.

The Appellant (under duress)

Charles J. Rakowski

Charles J. Rakowski (denied assistance of counsel of choice)

AFFIRMATION

I hereby affirm that the above statements are true and correct to the best of my knowledge and belief.

Charles J. Rakowski

NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

CHARLES J. RAKOWSKI,

APPELLANT,

V.

UNITED STATES OF AMERICA,

APPELLEE.

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies he is the brother of the appellant and is a person of such age and discretion as to be competent to serve papers.

That on June 15, 1988, he served one copy of the appellant's

CLAIM AND DEMAND FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

by placing said copy in a postpaid envelope addressed to the person and place stated below, and by depositing said envelope in the United States mail at SAN DIEGO, California:

Solicitor General of the United States
Department of Justice
Washington, DC 20530

James E Rakowski

James E. Rakowski
3808 Rosecrans St. #422
San Diego, CA 92110